

1 MICHAEL A. FREIMANN, ESQ. (admitted *Pro Hac Vice*)
2 MARTINE T. WELLS, ESQ. (admitted *Pro Hac Vice*)
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
4 410 17th Street, Suite 2200
5 Denver, CO 80202
6 Telephone: 303.223.1100
7 Facsimile: 303.223.1111
8 mfreimann@bhfs.com
9 mwells@bhfs.com

10 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
11 BROWNSTEIN HYATT FARBER SCHRECK, LLP
12 100 North City Parkway, Suite 1600
13 Las Vegas, NV 89106-4614
14 Telephone: 702.382.2101
15 Facsimile: 702.382.8135
16 tchance@bhfs.com

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 SHAWN JAFFEE and DEREK KRITZ,
20 individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

21 WYNN LAS VEGAS, LLC a Nevada
22 domestic limited-liability company,
23 EMPLOYEE(S)/AGENT(S) DOES 1-10;
24 and ROE CORPORATIONS 11-20,
25 inclusive,

Defendant.

CASE NO.: 2:19-cv-00644-APG-NJK

**STIPULATION AND ORDER (1) SETTING
DEADLINE FOR FILING OF AN
ANSWER TO COMPLAINT AND (2)
EXTENDING THE DEADLINE TO FILE
PROPOSED DISCOVERY PLAN AND
SCHEDULING ORDER**

(FIRST REQUEST)

26 Plaintiffs SHAWN JAFFEE and DEREK KRITZ (“Plaintiffs”), by and through their
27 counsel of record, Gabroy Law Offices and Theodora Oringher PC, and Defendant WYNN LAS
28 VEGAS, LLC (“Defendant”), by and through its counsel of record, Brownstein Hyatt Farber
Schreck, LLP, hereby stipulate and agree, pursuant to Local Rule IA 6-1, to set a deadline for
Defendant to file an Answer to Plaintiffs’ Complaint and to extend the deadline for the parties to
file their proposed discovery plan and scheduling order pursuant to FRCP 26(f), stating as
follows:

...
20463293.5

1 1. On May 22, 2019, Defendant filed a Motion to Dismiss Plaintiffs' Complaint (the
2 "Motion") (ECF No. 21).

3 2. On June 5, 2019, this Court entered an order staying discovery (the "Stay"),
4 pending disposition of the Motion (ECF No. 28).

5 3. On February 11, 2020, this Court issued its Order granting Defendant's Motion in
6 part (the "Order") (ECF No. 37).

7 4. The Order gave Plaintiffs until March 13, 2020 to amend their Complaint, if they
8 chose to do so. (*Id.*)

9 5. Plaintiffs did not amend their Complaint by March 13, 2020.

10 6. The Order did not set a time within which Defendant must file a responsive
11 pleading to Plaintiffs' Complaint, in the event that Plaintiffs chose not to amend the same.

12 7. FRCP 12(a)(4)(a) also does not provide a deadline for Defendant to file an Answer
13 under the above circumstances, as it would only apply where Defendant's Motion had been
14 denied in full.

15 8. In addition, under the Stay, the parties' deadline to file a proposed discovery plan
16 and scheduling order is March 27, 2020, 14 days after the date the Order set for Plaintiffs to
17 amend their Complaint.

18 9. However, given that Defendant must still file an Answer to Plaintiffs' Complaint,
19 and in light of the Court's Order and the current global pandemic of COVID19 and its associated
20 business disruptions for counsel and their clients, the parties have agreed to the following: (1)
21 Defendant shall have up to and including April 24, 2020 to file an Answer to Plaintiffs'
22 Complaint, and (2) the deadline for the parties to file their FRCP 26(f) proposed discovery plan
23 and scheduling order is extended up to and including May 8, 2020.

24 10. The parties will also hold a renewed FRCP 26(f) conference prior to submission of
25 the proposed discovery plan, to take into account the Court's Order and the COVID19 pandemic.

26 11. This stipulation is brought in good faith by both parties and not for purposes of
27 delay. This extension will not result in undue delay in the administration of this case, as the
28 pleadings are not yet closed.

1 12. No extension of time or continuance has previously been requested by the parties
2 with respect to Defendant's deadline to file an Answer to Plaintiffs' Complaint or the proposed
3 discovery plan and scheduling order.

4 **IT IS THEREFORE STIPULATED**, by and among the parties, that:

5 (1) Defendant shall have up to and including April 24, 2020 to file an Answer to
6 Plaintiffs' Complaint; and

7 (2) the deadline for the parties to file their proposed discovery plan and scheduling
8 order is extended up to and including May 8, 2020.

9 Respectfully submitted this 27th day of March, 2020.

10
11 /s/ Kaine M. Messer
12 CHRISTIAN J. GABROY, ESQ.
13 KAINE M. MESSER, ESQ.
14 JON R. MOWER, ESQ.
15 THEODORA ORINGHER PC

16 Attorneys for Plaintiffs

17 /s/ Travis F. Chance
18 MICHAEL A. FREIMANN, ESQ.
19 (admitted *Pro Hac Vice*)
20 MARTINE T. WELLS, ESQ.
21 (admitted *Pro Hac Vice*)
22 TRAVIS F. CHANCE, ESQ.

23 Attorneys for Defendant Wynn Las Vegas, LLC

24 THE COURT, having reviewed the foregoing Stipulation, and good cause appearing,
25 HEREBY ORDERS that:

26 (1) Defendant shall have up to and including April 24, 2020 to file an Answer to
27 Plaintiffs' Complaint; and

28 (2) the deadline for the parties to file their proposed discovery plan and scheduling
order is extended up to and including May 8, 2020.

29 **IT IS SO ORDERED.**

30 
31 _____
32 **UNITED STATES DISTRICT JUDGE/UNITED
33 STATES MAGISTRATE JUDGE**

34 March 30, 2020
35 Dated _____